

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**MONICA RAE ABARCA and
JOSE LOUIS ABARCA,**

Plaintiffs,

v.

**AMERIHOM MORTGAGE
COMPANY, LLC,**

Defendant.

Case No. 3:24-cv-76-SI

ORDER

Michael H. Simon, District Judge.

Plaintiffs Monica Rae Abarca and Jose Louis Abarca, representing themselves, bring this lawsuit against Defendant AmeriHome Mortgage Company, LLC. Plaintiffs filed their original Complaint (ECF 1) and Defendant moved to dismiss (ECF 13). The Court granted Defendant's motion and granted Plaintiffs leave to amend to attempt to cure the identified deficiencies in their Complaint (ECF 21). Plaintiffs timely filed a First Amended Complaint ("FAC"). Defendant again moved to dismiss, but this time Plaintiffs did not respond.

Defendant correctly notes that Plaintiffs' FAC, by alleging new claims and essentially no new factual allegations, did not cure the deficiencies the Court identified in Plaintiffs' original Complaint. Moreover, Plaintiffs did not respond to Defendant's motion to dismiss and have therefore effectively conceded Defendant's arguments. *See Walsh v. Nev. Dep't of Hum. Res.*,

471 F.3d 1033, 1037 (9th Cir. 2006) (holding that a plaintiff who “makes a claim” in a complaint “but fails to raise the issue in response to a defendant’s motion to dismiss” that claim “has effectively abandoned [that] claim”); *see also Maldonado v. City of Ripon*, 2021 WL 2682163, at *8 (E.D. Cal. June 30, 2021) (“Plaintiff does not address Defendants’ arguments regarding punitive damages in his opposition to the motion to dismiss and therefore concedes the arguments.”); *Kerrigan v. Allstate Ins. Co.*, 543 F. Supp. 3d 843, 845-46 (C.D. Cal. June 10, 2021) (“Plaintiff also did not oppose and, thus, concedes, Defendants’ argument that because Allstate Insurance was not a party to the insurance policy at issue in this action it was improperly named and should be dismissed.”).

The Court GRANTS Defendant’s motion to dismiss (ECF 23). The Court DISMISSES WITH PREJUDICE all claims asserted by Plaintiffs.

IT IS SO ORDERED.

DATED this 29th day of October, 2024.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge